

Appl. No. 10/634,499
Amendment dated August 1, 2006
Reply to Office Action of March 2, 2006

Amendments to the Drawings:

The attached sheet of drawings includes changes made to FIG. 4. This sheet, which includes FIGS. 3-6, replaces the original sheet including FIG. 3-6. In FIG. 4, previously incorrectly labeled reference numbers 34, 36, and 38 are correctly labeled with reference numbers 40, 42, and 44, respectively. No new matter has been added.

Remarks:

Status of Claims

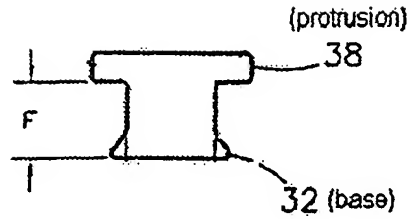
Claims 28-60 were previously pending. Claim 61 is new, claims 28, 37, 42, 43, 46, 55, and 56 are amended and claims 41, 53, and 54 are canceled by way of this amendment. Thus, claims 28-40, 42-52, and 55-61 are currently pending with claims 28, 37, 46 and 61 being independent. To correct various incorrectly labeled reference numbers, amendments to the specification and drawings have also been made herein. No new matter has been added.

Office Action

In the March 2, 2006, Office action, the Examiner rejected claims 28-33, 36-38, and 40-60 under 35 USC 102(e) as being anticipated by West (U.S. Patent No. 6,314,699) and rejected claims 34, 35, and 39 under 35 USC 103(a) as being unpatentable in view of West and Erwin (U.S. Patent No. 5,660,016). Applicant respectfully submits that the arguments and amendments made herein overcome the Examiner's rejections.

In the previous Amendment, Applicant argued that claims 28-36 were allowable because they included the feature of a board having a lower lip thickness "E" and a fastener having a protrusion with a height "F", wherein "E" is at least 1% greater than F. As also discussed in the previous Amendment, due to the lower lip being operable to fit under the protrusion despite being larger in size ($E > F$), the boards are more securely held by the fasteners, preferably with a downward holding force, than if the lower lip thickness was equal to or less than the protrusion height ($E < F$).

By way of this amendment, all independent claims now generally recite that the thickness of the lower lip is at least 1% greater than "the average vertical distance from the base to the protrusion." By reciting "the average vertical distance from the base to the protrusion" instead of only "height", the claims of the present invention are now more clearly differentiated from West. In particular, as demonstrated by the below figures, the thickness of West's lower lip is substantially *less* than the average vertical distance from the base to the protrusion provided by West's fastener:



FIGS. 4-5 of the present application (annotated - not to scale)

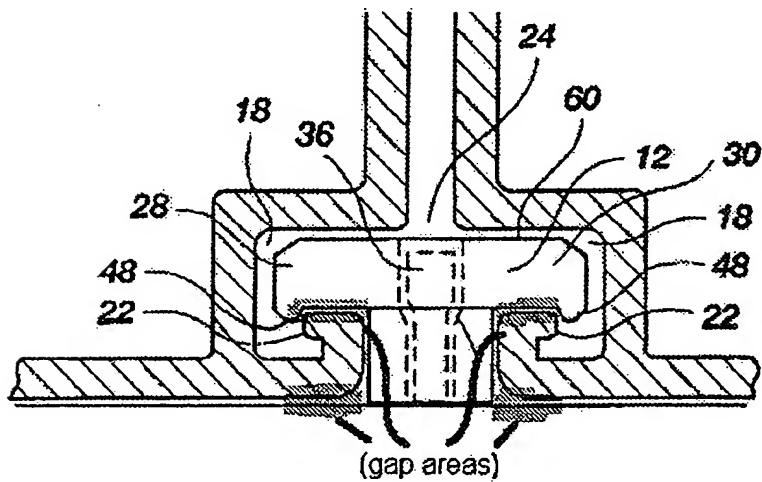


FIG. 1A of West (annotated)

As can be seen from the above figures, the lower lip thickness provided by West is substantially less than the average height of its protrusion. As is evidenced by the gap areas highlighted above, West's lower lip thickness is substantially less than the protrusion height at all areas except those between the nub (48) and the lip edge (22). Further, the size of the nub (48) is minimal compared to the areas of the protrusion lacking the nub (48), thereby rendering the thickness of West's lower lip substantially *less* than the average vertical distance from the fastener base to the fastener protrusion. In contrast, the present application discloses and now claims a lower lip

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thickness being at least 1% greater than the average vertical distance from the fastener base to the fastener protrusion. Such a configuration facilitates the securement of boards to joists and the application of the downward holding force discussed at length in the specification.


New claim 61 also recites a lower lip thickness being at least 1% greater than the average vertical distance from the fastener base to the fastener protrusion and is allowable for at least this reason.

Conclusion

In view of the argument and amendments made herein, Applicant respectfully submits that claims 28-40, 42-52, and 55-61 are in allowable condition and requests a corresponding Notice of Allowance. In the event of further questions, the Examiner is urged to call the undersigned. Any additional fee which might be due in connection with this application should be applied against our Deposit Account No. 19-0522.

Respectfully submitted,

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